

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

No. 05-10849RGS

DOROTHY STANLEY, EXECUTRIX OF THE
ESTATE OF HELEN A. RUNGE,

Plaintiff

v.

WALTER J. KELLY,
KERRY L. BLOOMINGDALE, M.D., and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants

**MEMORANDUM IN SUPPORT OF DEFENDANT WALTER J. KELLY'S
MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION IN LIMINE TO PRECLUDE THE TESTIMONY OF
ARNOLD ROSENFELD, ESQ. AND MOTION TO DISMISS FOR LACK OF
EXPERT TESTIMONY**

NOW COMES the Defendant, Walter J. Kelly, and requests that this Honorable Court grant him leave to file the attached reply brief in response to Plaintiff's Opposition to *Defendant's Motion in Limine to Preclude the Testimony of Arnold Rosenfeld, Esq. and Motion to Dismiss for Lack of Expert Testimony*. As grounds in support thereof, Defendant states:

1. Defendant respectfully seeks the opportunity to respond, in writing, to the legal elements and statements set forth by the Plaintiff in her Opposition to Defendant's Motion in Limine.

2. Allowance of this motion will afford the Defendant the opportunity to put before the Court his response to the legal arguments and statements set forth in the Plaintiff's Opposition, and to correct a factual misstatement contained in Plaintiff's Opposition.

5. The trial of this matter has been re-scheduled to April 14, 2008, and therefore allowance of this motion will not delay the resolution of matter prior to trial. In fact, Defendant's Motion could lead to a resolution of claims against Defendant Kelly.

6. Plaintiff's Opposition to Defendant's Partial Motion to Dismiss was filed on January 29, 2008.

WHEREFORE, the Defendant, Walter Kelly, respectfully requests that this Honorable Court grant Defendant leave to file a reply brief.

Dated: February 11, 2008

Respectfully submitted,

The Defendant,
Walter J. Kelly,
By his attorneys,

s/ Michele Carlucci
George C. Rockas, BBO #544009
Michele Carlucci, BBO #655211
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP
260 Franklin Street
Boston, MA 02110
(617) 422-5300

CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on February 11, 2008 I have served a copy of the foregoing by electronic filing.

/s/ Michele Carlucci
Michele Carlucci